

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

vs.

RAUL VILLASENOR GUTIERREZ and  
JESSY QUINTERO

Defendants.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:07-cr-091

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Brooke C. Wells on October 3, 2007 recommending that Mr. Villasenor's Motion to Suppress Evidence and Statements be denied and Mr. Quintero's Motion to Suppress be granted in part.

The parties were notified of their right to file objections to the Report and Recommendation. Both Defendants were granted an extension of time to file a response. On October 25, 2007 Mr. Villasenor filed a timely response, objecting to the magistrate judge's conclusion that there was probable cause to search the entire vehicle including the interior of the dashboard, and therefore that the evidence found in the dashboard should not be suppressed. On October 26, 2007 Mr. Quintero filed a timely response, objecting to the magistrate judge's

conclusions that Mr. Quintero, a passenger, lacks standing to object to the search of the vehicle; that under the totality of the circumstances there was probable cause to arrest Mr. Quintero; that the scope of the search of the vehicle was proper; that further detention of Mr. Quintero was proper after the methamphetamine was found in the dashboard; and that co-defendant's statements implicating Mr. Quintero after the methamphetamine was found were voluntary and should not be suppressed.

Having reviewed all relevant materials, including the parties' briefs and the reasoning set forth in the magistrate judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation and DENIES Mr. Villasenor's Motion to Suppress Evidence and Statements and GRANTS Mr. Quintero's Motion to Suppress in PART.

**IT IS SO ORDERED.**

DATED this 9th day of November, 2007.



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Dee Benson  
United States District Judge